

110TH CONGRESS
1ST SESSION

H. R. 3011

To amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mr. TOWNS (for himself, Mr. HALL of Texas, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REVISION OF PAYMENT METHODOLOGY FOR**
4 **DRUGS AND BIOLOGICALS UNDER MEDICARE**
5 **PART B.**

6 (a) FLOOR OF WIDELY AVAILABLE MARKET
7 PRICE.—Subsection (b) of section 1847A of the Social Se-
8 curity Act (42 U.S.C. 1395w–3a) is amended—

1 (1) in paragraph (1), by inserting “paragraph
2 (6) and” after “Subject to”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(6) FLOOR OF WIDELY AVAILABLE MARKET
6 PRICE.—The Secretary shall increase the payment
7 amount determined under this subsection for a drug
8 or biological to the extent necessary to ensure that
9 such payment amount is in no case less than the
10 widely available market price for the drug or biologi-
11 cal (as determined under subsection (d) or by the
12 Secretary).”.

13 (b) TREATMENT OF PROMPT PAY DISCOUNTS.—Sub-
14 section (c)(3) of such section is amended—

15 (1) in the first sentence, by inserting “fur-
16 nished to physicians” after “prompt pay discounts”;
17 and

18 (2) in the second sentence, by inserting “(other
19 than prompt pay discounts)” after “other price con-
20 cessions”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to drugs and biologicals that are
23 furnished on or after January 1, 2008.

○